



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,252	12/01/2003	Matthew J. Campagna	F-764	3555

7590 09/30/2008
Pitney Bowes Inc.
Intellectual Property & Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484

EXAMINER

SHEIKH, ASFAND M

ART UNIT	PAPER NUMBER
----------	--------------

3627

MAIL DATE	DELIVERY MODE
-----------	---------------

09/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,252

Applicant(s)

CAMPAGNA, MATTHEW J.

Examiner

Asfand M. Sheikh

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- _____ Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- _____ Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lucas (US 6,996,538 B2).

Claim 1

Lucas discloses a method of establishing and managing a vendor inventory of emergency business supplies for a company (see at least, abstract and col. 1, lines 45-col. 2, lines -20), comprising: receiving compensation for costs of maintaining the inventory (see at least, col. 1, lines 45-col. 2, lines -20); releasing a plurality of the business supplies for sale, after the plurality of the business supplies have been in the vendor inventory for a period of time expiring when a release condition occurs (see at least, col. 4, lines 36-51); and restocking the vendor inventory (see at least, col. 10, lines 46-52).

Claim 2

Lucas discloses wherein the sale is at a discount (see at least, col. 19, lines 37-47) and further comprising: receiving compensation from the company relating to the discount sale (see at least, col. 1, lines 45-col. 2, lines 20).

Claim 3

Lucas discloses wherein if the company provides an assertion to the vendor that the release condition has occurred or will have occurred at a specific time, then the vendor will have only a first period of time to object to that assertion, unless the company extends the first period (see at least, col. 10, lines 46-52: the examiner notes "customer chooses" to be a release condition).

Claim 4

Lucas discloses wherein the release condition is that improved business supplies become available for insertion into the vendor inventory (see at least, col. 7, lines 52-65).

Claim 5

Lucas discloses wherein the release condition is that the plurality of the business supplies have reached a particular age or percentage of shelf life or state (see at least, col. 4, lines 36-51: the examiner notes "excess inventory" is a state).

Claim 6

Lucas discloses wherein the discount sale is to the company (see at least, col. 19, lines 37-47).

Claim 7

Lucas discloses wherein the business supplies in the vendor inventory are owned by the company instead of the vendor for at least a second period of time that the business supplies are in vendor inventory (see at least, abstract and col. 1, lines 45-col. 2, lines - 20 and col. 3, line 3-col. 4, line 5).

Claim 8

Lucas wherein the company sells at least some of the business supplies to a third party after the discount sale (see at least, col. 4, lines 36-51).

Claim 9

Lucas discloses wherein the receipt of compensation for the inventory costs, and the receipt of compensation for the discount sale are performed substantially simultaneously with the discount sale (see at least, col. 1, lines 45-col. 2, lines -20 and col. 19, lines 37-47).

Claim 10

Lucas discloses the portion of the business supplies to the company routinely as needed by the company, prior to releasing the business supplies for the discount sale (see at least, col. 1, lines 45-col. 2, lines -20 and col. 19, lines 37-47).

Claims 11-19

The examiner notes the system claims of 11-19 are rejected under similar grounds as method claims the claims 1-10 via the disclosure of Lucas.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Asfand M. Sheikh/
Examiner, Art Unit 3627
September 27, 2008

. /F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627